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STATEMENT OF PRESIDENT FRIDAY
TO THE BOARD OF TRUSTEES OCTOBER 28, 1963

Mr. Chairman, Ladies and Gentlemen of the Board of Trustees:

On November 12, 1962, the Board of Trustees amended the University Code so that the number of regular meetings each year was increased from two to three. Until now, regular meetings have been held only in the winter and spring. Henceforth, a meeting will be held in the fall of each year as well as in the winter and spring. This is the first such regular fall meeting.

This is also the first meeting of the Board of Trustees since the General Assembly adjourned in June. A legislative year is always a significant and interesting year for the University. This one was particularly interesting and significant. A higher education bill incorporating the recommendations of the Commission on Education Beyond the High School and a special committee of the Board of Trustees was passed giving effect to a comprehensive plan for development of facilities for public higher education and needed broadening of educational offerings within the University. The biennial budget as finally approved authorized substantial sums for salaries, necessary equipment, land, and buildings. Our faculty members and employees were heartened by the Legislature's action authorizing improvements in the state retirement plan to provide for a shorter vesting period and increased retirement contributions and benefits. The trustees as well as the administrative officers and faculties have reason to commend and thank the Governor, the budgetary authorities, and our legislators for these wise and far-seeing actions.

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Along with such measures of inestimable benefit to the State and to higher education, however, the General Assembly of 1963 passed, on the very last day of the session, a law of an altogether different character, effect, and import. I refer to the law passed on June 26 entitled "An Act to Regulate Visiting Speakers at State Supported Colleges and Universities." The concern that we feel in the University about this measure and the basis for our concern are known to most of you from our discussions in a series of informal meetings with trustees and the notice taken in the public press of expressions by many educational leaders and citizens. I wish to make some observations on the measure before this body so that my views shall be quite clear. I shall ask the Chancellors to speak also so that they may state and you may hear their views.

The bill (House Bill 1395), as I have said, was passed into law on June 26. The first knowledge that I had that such a law was contemplated came to me at about a quarter to three in the afternoon of June 25 when someone heard a radio news report that a law which would prohibit certain persons from speaking at state-supported colleges and universities had been introduced in the House of Representatives that afternoon and, after brief discussion, passed under suspension of the rules and transmitted by messenger to the Senate. By a telephone call I learned that the Senate was about to be convened in afternoon session. Mr. Weaver and I drove immediately to Raleigh hoping to reach the Legislative Building in time at least to apprise some member of the Senate of the gravity of such an action. By the time we reached Raleigh the bill had already been passed in the Senate,

also under suspension of the rules, and sent to the Enrolling Office. Even then, after securing a copy of the bill and seeing the difficulties that it must raise, we made inquiry as to whether the technical status of the bill would admit of some hearing or possible reconsideration, an undertaking rendered all but hopeless by the fact that the bill lacked only the formality of ratification; that is, the signature of the presiding officers, before it became law.

When the Senate convened the next morning a number of Senators introduced a motion favoring recall of the bill from the Enrolling Office hoping thereby to obtain more considered discussion. But the effort failed. A bill of far-reaching significance for higher education and the future of the State, which less than twenty-four hours earlier was unknown to any college or university president in the State and unknown to all but a few members of the General Assembly, was now the law of North Carolina.

From the hour of its enactment, my immediate attention and that of the Chancellors and my other associates in the administration was directed toward securing compliance with the law. This task was not simple because there had been no prior discussion as to the real intention of the authors, and the statute itself was quite vague as to the persons forbidden and the conditions in which speaking would be prohibited. Nevertheless, since the statute placed the responsibility for enforcement upon the Board of Trustees, we went before the Executive Committee of the Board at a

meeting on July 8 where, at my request, Chancellor William Aycock, who is trained in the law, presented to the Executive Committee a legal analysis of this bill and a recommended policy of compliance.

I shall now ask Chancellor Aycock to present the highlights of this presentation to this full Board session.

Chancellor Aycock:

STATEMENT OF CHANCELLOR W. B. AYCOCK

PART I

In 1941 the General Assembly of North Carolina enacted a criminal statute (General Statutes 14-11, 14-12) making it unlawful for "any person, by word of mouth or writing, willfully and deliberately to advocate, advise or teach a doctrine that the government of the United States, the State of North Carolina or any political subdivision thereof shall be overthrown or overturned by force or violence or by any other unlawful means." This statute also prohibits the use of any public building for such purposes. In 1953 the 1941 statute was extended to outlaw certain types of secret societies. The officials of the University have been aware of this statute since the time it became law. I do not know of any violation. Moreover, I do not know of anyone who has knowledge that this law has been ignored by the University. Clearly if any person has such knowledge, he is derelict in his duties as a citizen so long as he withholds such knowledge from those officials charged with the enforcement of the laws of this State.

The 1963 Legislation (H.B. 1395 - Chapter 1207 of the 1963 Session Laws) goes much further than the 1941 Act in that it prohibits any person to whom it applies from speaking on any State supported campus on any subject. Apart from this blanket prohibition the statute is fraught with uncertainties and ambiguities.

The 1963 Act by its own terms does not impose any penalties for failure to comply with its provisions. However, General Statutes 14-230 declares that: "If any... official

of any of the State institutions ... shall willfully omit, neglect or refuse to discharge any of the duties of his office, for default whereof it is not elsewhere provided that he shall be indicted, he shall be guilty of a misdemeanor." Presumably this latter statute applies and, if so, the 1963 Visiting Speakers Law is a criminal statute.

On the surface this Act, copy attached, appears to be a simple one to enforce. But to one charged with the duty of enforcement it is quickly evident that it is worded in extremely vague terms in almost every particular. A few selected examples will illustrate the vagueness of the Act.

1. What is meant by a "known member of THE Communist Party?
American Communist Party only?
Communist Party of Great Briton? France? Italy? Etc?
Does it include all citizens of Russia whether or not
they are members of the Party?
Does it include all citizens in Russian Bloc?
2. "Known" by what means?
 - a. Judgment of a court?
 - b. Admission?
 - c. Reputation?
 - d. Accusation by some official body?
 - e. Accusation by some unofficial body or individual?
3. Section (B) "Is known to advocate the overthrow of the constitution of the United States or the State of North Carolina."
 - a. This section does not specify by force or violence. Does it include "overthrow" by peaceful means? If so, would it include those who advocate radical changes of our government through political action? Ex. Proposal for a Super Supreme Court.
4. Section (C) involves persons who have pleaded the Fifth Amendment in specified circumstances. Is this section similar to (A) and (B) in that they must be KNOWN to have done so? Is there a duty to investigate each invited speaker? If so, so-called Fifth Amendment Communists (often not Communists at all) are in this respect considered more dangerous than known Communists. The less the danger the greater the prudence is the literal language of this section.

5. The title of the Act refers only to regulating visiting speakers. But the text refers to any person using the facilities of the college or university for speaking purposes. Students do not enroll for speaking purposes and faculty are not employed for speaking purposes in the same sense this term is used for visiting speakers. The meaning of the text is not clear.

The Trustees of the University could exercise sole responsibility for the enforcement of the Act. The Board of Trustees is also authorized to appoint others to administer it. Presumably such person or persons could be appointed whether or not such person or persons now hold an administrative post in the University. The President or a member of his staff could be appointed to enforce the act on a uniform basis for all campuses. Another alternative would be to appoint the chancellors alone or along with deans, directors and department heads. Another possibility would be to designate all persons authorized to invite visiting speakers as responsible for its enforcement.

In order to resolve some of the ambiguities in the 1963 Act the administration prepared a policy statement and submitted it to the Executive Committee of the Board of Trustees on July 8, 1963. On that date the following policy statement was adopted by the Executive Committee:

The facilities of the Consolidated University of North Carolina shall be denied to any visiting speaker who is known to be a member of any Communist Party; or is known to advocate the overthrow of the Constitution of the United States or the State of North Carolina, or is known to have pleaded the Fifth Amendment of the Constitution of the United States in refusing to answer any question, with respect to Communist or subversive connections, or activities, before any duly constituted legislative committee, any judicial tribunal, or any executive or administrative board of the United States or any State.

This policy shall be enforced by student representatives of student organizations authorized to invite visiting speakers and by any member of the faculty or administrative official who invites a visiting speaker to the campus.

Since July 8, 1963, each of the three campuses of the University has endeavored to comply with the provisions of this statement of policy.

There was immediate concern over the impact of this legislation on the University and its standing in the world community of learning. Since the law affected all state-supported institutions of higher learning, the Board of Higher Education, its Chairman and its Director, the presidents of all state-supported institutions of higher learning, presidents of some of our private institutions, and leading citizens joined in expressing opposition to the statute.

This morning it is particularly important that you know of the specific actions taken by the responsible agencies of faculty government on each of the campuses, and that you be informed of the consequences of this legislation which the University has already experienced. I have asked each Chancellor to describe these developments to you.

Chancellor Aycock

Chancellor Caldwell

Chancellor Singletary

RESOLUTION OF THE FACULTY COUNCIL OF THE UNIVERSITY
OF NORTH CAROLINA AT CHAPEL HILL AND STATEMENT OF
CHANCELLOR W. B. AYCOCK TO THE BOARD OF TRUSTEES
ON OCTOBER 28, 1963

STATEMENT ON THE NORTH CAROLINA LAW TO REGULATE VISITING SPEAKERS AT
STATE SUPPORTED COLLEGES AND UNIVERSITIES

UNANIMOUSLY ADOPTED BY THE FACULTY COUNCIL OF THE
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

We believe that those members of the 1963 North Carolina General Assembly who voted for the statute banning certain speakers at State supported institutions did so because they believed it to be in the best interest of the State. And, like them, we are opposed to communism. Nevertheless, we have the strongest objections to this statute.

There are strong reasons for believing that the statute is unconstitutional under both the North Carolina and the Federal Constitutions; but this is not the place for a legal argument. We recognize that the General Assembly has the power, so long as it stays within constitutional limitations, to regulate the affairs of State supported institutions, including this University. And, obviously, there must be some regulations regarding the use of University property. We believe, however, that the Assembly should not undertake the regulation reflected in this statute. A political body is far from an ideal forum in which to regulate such matters of educational policy. The present attempt at such regulation is most disquieting to us and to university teachers everywhere. A legislature which succumbs to this temptation may soon go further and enact statutes intended to strike at other matters which it finds distasteful. The statute is a step toward substitution of politically controlled indoctrination for reasonably objective education. Regulation of speakers on the campus is best left, along with other matters of educational policy, to the trustees, the administration and the faculty.

To the extent that the legislative purpose may have been to prevent advocacy of the overthrow of our government by force, violence or other unlawful means, the statute adds nothing to existing law. Ever since 1941 such advocacy in a State owned building has been a crime in North Carolina. The 1963 statute goes much further. It undertakes to prohibit any person to whom it applies from speaking on any State supported campus on any subject. Under this statute it would not even be possible to invite the Russian Ambassador to come and speak about the nuclear test ban treaty, cultural exchanges, or the present differences between Russia and China.

A doctor, scientist or other expert from a foreign country is banned if he is known to be a member of the Communist Party or to advocate the overthrow of our Constitution--otherwise he may speak, even if he is from behind the Iron Curtain. Yet the diseases of humanity, the behavior of light rays and the properties of hybrid corn pose the same questions to the communist and the non-communist. A university is a place where anyone who may have useful knowledge should be welcomed as a visitor to share that knowledge. By this statute, this University is shut off from some of those who possess it--perhaps even prohibited from using the services of scholars from foreign countries who can go to other universities under exchange programs approved or encouraged by our government.

Any American--scholar, scientist, doctor, lawyer, author, poet, artist, or laborer--is banned if he has invoked the Fifth Amendment in refusing to answer "any question, with respect to communist or subversive connections, or activities, before any duly constituted legislative committee, any judicial tribunal, or any executive or administrative board of the United States or any state." He is banned though there is no proof--and no other basis for assuming--that he is a communist or that

he has ever advocated the overthrow of our Constitution. He is banned for the sole reason that he has exercised a right guaranteed to every citizen by the Constitution of the United States--a right which does honor to the Anglo-American concept of justice and which, as much as any other single factor, justifies our claim that our system of justice is superior to that of the communist countries.

We do not believe that speakers visiting our campuses have created any serious danger to the State or its youth. The wise and great men who wrote into our Constitution a guarantee of free speech were fully aware that the privilege can be abused. Fortunately, they were also aware that the danger to a free society from abuse of free speech is not nearly so great as the danger from attempting to curtail or suppress free speech. We devoutly believe, with them, that error is far more likely to be enshrined by legislative fiat than by untrammelled debate in a public forum.

The new statute reflects a fear regarding the strength of our democratic institutions which we do not share. Freedom of discussion on the campus has made few if any converts to communism. Over all the years, we doubt that even one of the very small number of student communists was induced to become a Party member by speeches on the campus. More probably, student communism has resulted from a tragically irrational reaction to inequities and injustices in our society. The rare student communist either was already such before he arrived, or would probably have become a communist had he never come to the campus. Indeed, free discussion on the campus, the general tenor of which is always overwhelmingly anti-communist, actually points out to students more constructive methods of giving meaning to their genuine idealism, which the State and nation badly need to encourage and preserve. We fear that the new statute is a step toward destruction of freedom in the name of its preservation. We believe that a university campus is a place where any idea should be open to free discussion--whether it be the promise of a communist utopia, a Birchite charge of treason in high places, or the thesis of a governor that salvation lies only in defiance of the federal courts. Youthful faith in American institutions can be engendered and preserved far more effectively by meeting our challengers openly than by attempting to put legislative stoppers in youthful ears.

Political tampering with the educational process can, over a relatively brief period, drastically lower the quality of the higher education affected. Legislative censorship, once begun, carries an invidious threat of future proscriptions, and inevitably stirs fears in the minds of both faculty and students that expression of unpopular sentiments may produce reprisals against them. Further, to secure and retain faculty members of high quality we must compete in a nationwide market. It is an inescapable fact that any legislative curtailment of free expression on a campus is a black mark against the institution in the eyes of the overwhelming majority of the best university teachers in America--teachers who are, nevertheless, anti-communist by strong intellectual conviction. We recognize and deeply appreciate the great efforts made by the 1963 General Assembly to provide adequate support for the University and for higher education in general; but, despite the improvement effected, we still have grave difficulties in competing for faculty members. This additional handicap could be disastrous.

There are many learned societies of national and international character. A number of these have met in Chapel Hill, in the ordinary course of events many more would desire to do so, and some at this moment have Chapel Hill under consideration. The programs of these meetings are not arranged and their speakers are not selected by the host school. No learned society of standing would seriously consider allowing the host institution to interrogate and possibly blackball its duly selected speakers.

They will not meet in Chapel Hill if the University lays down any such condition. And many of the finest teachers will not join or long remain members of a faculty at an institution which these learned societies will not consider as a place to meet. This tends further to lower the prestige of an institution known to be under this kind of legislative restriction.

At this heavy cost to the institutions and to the general quality of higher education in this State, what positive purpose can be accomplished by the statute? The student who is not permitted to hear a speaker on his campus may still read quotations from the speaker in the newspaper, may see and hear him on a national news telecast, and may read any books or articles he has written. The student may take advantage of an opportunity to visit a private institution and hear the speaker. A student may also, of course, hear the speaker at any off campus spot in the same community where the school is located. The prohibition itself will incite curiosity and give the person banned a larger student audience than he would otherwise have had.

If an author is dangerous as a speaker, he is more dangerous as an author, for his printed words are more permanently available. Is there not danger that the General Assembly, once embarked on this course, will ban books from libraries and otherwise undertake to police the ideas to which a student may be exposed? Indeed, a ban which operates only against speakers on the campus is so clearly inadequate as a device for insulating the student mind (assumed by the banners to be naively susceptible) that, rationally, it must be either abandoned or extended.

The above discussion is necessarily predicated on some implicit assumptions as to what the General Assembly intended the 1963 statute to mean. However, in fact, many questions inhere in its interpretation. What significance is to be attributed to the fact that, whereas the title of the statute refers to "visiting speakers," the text of the statute refers more broadly to "any person"? The statute prohibits use of "facilities" for speaking purposes. This University owns not only auditoriums, but also classrooms, dormitories, a campus, a hotel, a telephone system, and a television station (carrying, among other things, national news programs). Are all of these embraced? The statute bans those known to advocate "overthrow of the Constitution." Is this equivalent to "overthrow of the government"? Is advocacy of radical change by constitutional amendment included? (There is no mention in the statute of "force, violence or other unlawful means.") Examples could easily be multiplied. This vagueness is one reason for questioning the constitutionality of the statute; but, more important for present purposes, such vagueness makes enforcement of the statute a most difficult business, fraught with possible legal pitfalls.

We deeply regret the manner in which this statute was rushed through both Houses of the General Assembly in its dying hours--without prior notice, without any opportunity for a hearing, without mature consideration, without even a normal opportunity for debate. Significantly, the bill as introduced was derived from a bill introduced in the Ohio Legislature; but there an opportunity was given for a hearing and the statute finally enacted did not involve legislative regulation of campus speakers.

In summary, by this statute the General Assembly, while attempting to protect our liberties, has unwisely interfered with educational policies, curtailed legitimate freedom on our campuses, and created serious barriers to the maintenance of higher educational institutions of a quality which, in the light of the Assembly's more constructive efforts to improve higher education, the State has a right to expect.

October 22, 1963

INTRODUCED BY: Representatives Godwin, Delamar and others

Sent to Senate

1 A BILL TO BE ENTITLED AN ACT TO REGULATE VISITING SPEAKERS AT STATE
2 SUPPORTED COLLEGES AND UNIVERSITIES.

3 The General Assembly of North Carolina do enact:

4 Section 1. No college or university, which
5 receives any state funds in support thereof, shall permit any
6 person to use the facilities of such college or university for
7 speaking purposes, who:

8 (A) Is a known member of the Communist Party;

9 (B) Is known to advocate the overthrow of the
10 constitution of the United States or the state of North
11 Carolina;

12 (C) Has pleaded the Fifth Amendment of the
13 Constitution of the United States in refusing to answer any
14 question, with respect to communist or subversive connections,
15 or activities, before any duly constituted legislative
16 committee, any judicial tribunal, or any executive or
17 administrative board of the United States or any state.

18 Sec. 2. This Act shall be enforced by the Board
19 of Trustees, or other governing authority, of such college
20 or university, or by such administrative personnel as may be
21 appointed therefor by the Board of Trustees or other govern-
22 ing authority of such college or university.

23 Sec. 3. All laws and clauses of laws in conflict
24 with this Act are hereby repealed.

1 Sec. 4. This Act shall become effective upon

STATEMENT OF CHANCELLOR W. B. AYCOCK

Part II

This legislation will seriously harm higher education and the entire state in a variety of ways. It is our duty to express our deep concern clearly and forthrightly. The Faculty Council of the University of North Carolina at Chapel Hill after careful study and deliberation unanimously adopted a statement on the Visiting Speakers Law. This statement which will be made available to you in full text will unquestionably be regarded as one of the great documents on the subject of free speech. It is a privilege for me to quote from it:

Political tampering with the educational process can, over a relatively brief period, drastically lower the quality of the higher education affected. Legislative censorship, once begun, carried an invidious threat of future proscriptions, and inevitably stirs fears in the minds of both faculty and students that expression of unpopular sentiments may produce reprisals against them. Further, to secure and retain faculty members of high quality we must compete in a nationwide market. It is an inescapable fact that any legislative curtailment of free expression on a campus is a black mark against the institution in the eyes of the overwhelming majority of the best university teachers in America -- teachers who are, nevertheless, anti-communist by strong intellectual conviction. We recognize and deeply appreciate the great efforts made by the 1963 General Assembly to provide adequate support for the University and for higher education in general; but, despite the improvement effected, we still have grave difficulties in competing for faculty members. This additional handicap could be disastrous.

There are many learned societies of national and international character. A number of these have met in Chapel Hill, in the ordinary course of events many more would desire to do so, and some at this moment have Chapel Hill under consideration. The programs of these meetings are not arranged and their speakers are not selected by the host school. No learned society of standing would seriously consider allowing the host institution to interrogate and possibly blackball its duly selected speakers. They will not meet in Chapel Hill if the University lays down any such condition. And many of the finest teachers will not join or long remain a member of a faculty at an institution which these learned societies will not consider as a place to meet. This tends further to lower the prestige of an institution known to be under this kind of legislative restriction.

The foregoing statements are not expressions of unfounded fears. A scientific group was scheduled to meet in Chapel Hill this fall. Each member of the group had been invited to submit a paper to be read at this meeting. A professor in one of the world's most distinguished universities indicated last summer that he was planning to submit a paper dealing with a highly technical subject. This professor was known to have taken the Fifth Amendment a decade ago. Thus we were faced with a serious problem. What should we do? Fortunately, we were able to save the meeting thanks to the cooperation of a group of scientists in a neighboring institution. They agreed to provide a forum in the event this professor submitted a paper. Needless to say this matter involved much time and embarrassment for many people. One further example should be sufficient to illustrate the dimensions of the difficulties which will be encountered in the enforcement of this law. A scientific organization of twenty thousand members was planning to send fifteen hundred delegates to a meeting on this campus in the spring of 1965. The Society arranges the programs and selects the speakers. Since scientific knowledge knows no boundaries, it is quite usual to secure speakers from all over the world, including some from behind the Iron Curtain. This Society does not expect us to violate the Visiting Speakers Law but at the same time it will not fetter its program because of it. What shall we do?

In this context it is well to recall that the General Assembly of 1963 recognized that North Carolina was not abreast of many other states in the advancement of scientific knowledge. Consequently, an appropriation of \$2,000,000 was made to the North Carolina Board of Science and Technology to assist in the development of programs to enable this state

to move ahead in these vital areas. Obviously the key element in the advancement of scientific knowledge is to attract more scientists to the state. The climate for learning and teaching is fundamental to the success of this important venture. In effect this means the climate which prevails on the campuses of our colleges and universities, for it is here that most of our scientific talent is concentrated. Thus we have a tragic inconsistency. One law encourages scientific development whereas another law discourages it. We would be negligent in our duty should we sit silently by and fail to point out the full implications of the Visiting Speakers Law.

Statements of the Faculty Senate at North Carolina
State and the presentation of Chancellor John T. Caldwell
to the Board of Trustees on October 28, 1963.

The Senate Resolution was entitled "Statement of the Faculty Senate on Recent Legislation Restricting Use of Facilities of the University System. "

"The Faculty Senate expresses its profound concern over the implications of the legislative enactment of June 26, 1963, 'An Act to Regulate Visiting Speakers at State-Supported Colleges and Universities, ' which bans appearances of certain categories of persons on the campuses of state-supported educational institutions.

"This enactment represents an intrusion of a law-making body into a sphere of responsibility normally delegated by the legislature, through the Board of Trustees, to officials and faculties of institutions of higher learning.

"It constitutes a restriction on the free exchange of knowledge and opinion that is absolutely essential to the educational process.

"It establishes a dangerous precedent, since any assumption of responsibility assigned to the administration of the University may be extended to a greater degree of control over the internal affairs of the University.

"For these reasons, the Faculty Senate views this legislation with genuine alarm. We urge the Administration of the University, the Executive Committee of the Board of Trustees, the full Board of Trustees, and the Board of Higher Education to take appropriate steps toward bringing about the earliest possible reconsideration and repeal of this legislation. "

July 2, 1963

EFFECT OF THE "SPEAKER BAN" STATUTE AT NORTH CAROLINA STATE

Passage of House Bill 1395 produced immediate reaction on the Raleigh Campus. In less than a week the Faculty Senate passed a strong resolution expressing "concern" and "alarm" over passage of the act.

A university faculty is an element of extraordinary importance and value to a society. Its feelings and reactions are a product of centuries during which universities have become centers of intellectual freedom and discourse. Our faculty, like any other first-rate university faculty, holds convictions about intellectual freedom, convictions which they do not wish to see violated. Furthermore, they have felt a great pride in being a part of a university which maintains freedom for the mind. They do not want to be embarrassed in the world of universities by having to submit to restrictions which detract from their pride.

The apprehensions of this faculty on the effect of the Speaker Ban Act have already been borne out.

Case 1.

Professor Robinson, of our Department of Genetics and Director of our Institute of Biological Sciences, was informed by a colleague in the School of Medicine at Chapel Hill early in the spring that the distinguished scientist, J. B. S. Haldane, would possibly be available for lectures in this area in the fall. Dr. Haldane is one of the world's most honored scientists and is now attached professionally to the Genetics and Biometry Laboratory

of the Government of Orissa in India. In a recent issue of the Wall Street Journal the editor of the Journal referred to him as "the distinguished British philosopher-scientist." (This piece was reprinted in the October 14th issue of the U. S. News and World Report.) Correspondence ensued between Dr. Robinson and Dr. Haldane in which Dr. Haldane indicated possible subjects with which he would deal in his lectures here. They were of a highly technical and scientific character and represented thinking at the leading edge of knowledge in genetics and the application of mathematics and statistics to research in genetics. Meantime, however, House Bill 1395 had become law. Interpretations were not immediately available. Nevertheless the law raised inevitable question about the legality of the invitation to Dr. Haldane.

Dr. Haldane had been chairman of the Editorial Board of the Daily Worker in England from 1940 to 1949. This would not necessarily make him a "known member of the Communist Party," but suggested it so strongly that one of the scientists at Chapel Hill assumed he must be a member and properly raised the point in a letter to the University Administration, bemoaning the fact that we undoubtedly would not be able to have him and calling attention to the "predicament" which would "make both the State and the University a laughing stock in the academic world." Professor Robinson had no alternative but to write Dr. Haldane a dignified and sympathetic letter asking the necessary question: "If I could have a reply at an early date regarding your present status with the Communist Party, I will know how to proceed with our plans." Dr. Haldane's reply was no surprise. He stated:

"I absolutely refuse to answer your question as to my membership of the communist party. This is a matter of principle. The Soviet Union does not ask whether intending scientific visitors are members of the Swatantra or jan sangh parties here, or of the conservative party in England, I am perfectly willing to sign a declaration that while in North Carolina I will make no statements in public or private on political or economic matters. But in the interests of others less fortunately situated than myself, I refuse to answer the question you put to me. I have been granted a visa by your consul in Calcutta, who was most polite, asked no questions, and was told no lies. Your Federal Government realizes that persons may be communists, anarchists, polygamists, or what you will, but that their opinions on scientific matters may be of value. Your State Legislature thinks differently, and so long as it does so I shall not accept your invitation. May I add that I have been at some trouble preparing the lectures which I had hoped to deliver at Raleigh. I shall attempt to arrange my tour in the U. S. A. without coming to North Carolina."

It is of interest that subsequently Dr. Robinson, visiting with Dr. Haldane in Geneva at the International Genetics Congress, was told in unequivocal terms by Dr. Haldane that he is not a member of the Communist Party but that he would not write this information in a letter. He is substituting visits to Cornell University and the University of Rochester for the time that he would have spent in North Carolina.

Case II

On September 30, 1963, the head of the Department of Applied Mathematics wrote the Chancellor for guidance. His letter reads:

"Dr. McDonald and I have been asked by Dr. A. H. Church, Visiting Professor in the College of Engineering at Duke University, to cooperate with that institution in a visit by a Soviet Scientist. Dr. V. V. Sokolovskiy is a member of the Academy of Sciences of the USSR and is an authority in elasticity, plasticity, soil mechanics, and applied mathematics in general. The National Academy of Sciences has arranged for him to visit and to give seminar lectures at Brown, M.I.T., Harvard, Duke, Stanford, University of California at Berkeley, UCLA, and New York University. Is there any reason why he should not visit this campus to meet only with a few faculty members for a discussion restricted entirely to technical questions in science and engineering?"

I responded as follows:

"My answer to you is that you are permitted to cooperate with Duke University in having the Doctor Sokolovskiy visit this campus for the purposes which you have indicated. In attempting to comply with the statutory restriction under which we are now operating, I must admonish you against any public invitation to the students and faculty to attend any meeting with the visitor. Your guest list should include without any question whatever faculty members may have an interest in meeting him and exchanging ideas in their fields with this gentleman. You have my permission to do so. I deeply regret that this man's knowledge cannot also be made available to our advanced undergraduate students and graduate students who have an interest in his field. "

Case III

The National Academy of Sciences of the National Research Council of the United States of America invited on September 1 applicants from scientists in the United States to participate in the US-USSR Inter-Academy Exchange Program for the academic year 1964-65. Under this program 56 scientists will be given grants to spend from one to ten months in Russia studying the developments in their scientific fields. A member of our faculty is interested in applying. He is a highly qualified scientist. He nevertheless called the attention of the Administration to one of the eligibility requirements of the National Academy of Sciences which is as follows:

"It is questionable whether the National Academy of Sciences will be in a position to select American scientists who work in institutions unable to receive Soviet scientists for short visits of a day or two or for research over a period of months, e.g., national laboratories of the AEC, laboratories of the Department of Defense or the military services, or certain laboratories of private industry. However, there should be no question as to the eligibility of American scientists at universities which in general are prepared to receive Soviet scientists for long-term as well as short visits."

The Chancellor advised the professor that under the circumstances he could

not ethically apply to the National Academy to visit Soviet Russia, the circumstances being that we would be embarrassed to have a return visit from a Soviet scientist and be forced by law into a position of not being able to invite interested students and faculty to attend one or more lectures by him.

Case IV

A member of the faculty of a neighboring university has declined an invitation to participate in our seminars during 1963-64 to which he had been invited. His letter is as follows:

"My attention has just been called to the existence of the so-called 'speaker ban' in force at N. C. state institutions. I find it an extremely repugnant invasion of the University's traditional rights, freedom of inquiry, and of our democratic ideals in general. I have resolved not to speak before any N. C. state institutions until this restriction has been fully removed. I must therefore, and with considerable regret, decline your kind invitation to appear before your Department. I hope such a visit will prove possible at a future date. "

The situation at North Carolina State was dramatized again when the freedom of the University to invite Madame Nhu for a lecture and interviews stood in sharp contrast to the present proscription against certain other categories of persons.

Continued embarrassment of this institution is inevitable. All of our dedicated efforts to build a faculty of first rank in the service of this State and Region will be frustrated if this campus is to be denied the indispensable right of a free university. It is depressing to contemplate the inevitable deterioration of the hopes of the dedicated scholars we already have as well as the denial to this campus of the service of others who may refuse to come because of this ban on the exchange and examination of knowledge and opinion.

Resolution of the Faculty Council of the University
of North Carolina at Greensboro and statement of Chancellor
Otis A. Singletary to the Board of Trustees on October 28, 1963.

Resolution adopted at meeting of Faculty Council
of The University of North Carolina at Greensboro,
Tuesday, October 22, 1963.

Be it resolved that the faculty of the University of North Carolina at Greensboro endorse the position taken by the President and the Chancellors of the University of North Carolina and the Executive Committee of the Board of Trustees in protesting the passage of "an Act to Regulate Visiting Speakers at State Supported Colleges and Universities, " and in seeking the repeal of this measure at the earliest possible moment.

And be it further resolved that this faculty declare its conviction that this Act will result in the restriction of academic freedom, freedom of speech, and freedom of information, and that it is not in keeping with the traditional educational goals for which the University of North Carolina has been so justly noted.

Statement to the Board of Trustees of The University
of North Carolina by Chancellor Otis A. Singletary,
October 28, 1963

Mr. Chairman, Ladies and Gentlemen:

While it is neither necessary nor desirable for me to take up much of your time here this morning, I do want to endorse the sentiments already expressed by my colleagues and to add a brief statement of my own reasons for opposing the recently enacted law "to regulate visiting speakers" on the campuses of state-supported institutions of higher education.

It is my basic contention that there are many and good reasons for opposing this bill. If for no other reason, one would be justified in opposing it because of the way it was passed. I refer specifically to the veil of secrecy which enshrouded it and the denial to interested parties of the right to be heard on the merits of the issue. One might also be justified in opposing it because of the way it was written. Vague, imprecise language makes the bill difficult to administer at best and impossible to administer with effectiveness. These objections, however, are essentially technical in nature and do not go to the heart of the matter. I believe that there are far more pertinent and more meaningful reasons for opposing it.

I object to this bill because it is discriminatory in nature. It singles out one specific group - the academic element - in our society and unjustly points the finger of suspicion in their direction.

I object to this bill because it is unnecessary. It is a matter of record that there are laws already on the statute books dealing with this matter. These laws are being complied with.

I object to this bill because it is detrimental to the University's posture in the academic world. History shows time and again that universities can only be damaged when the state exercises direct influence upon it to the point of limiting freedom of inquiry and expression.

I object to this bill because it is destructive of faculty morale. Our faculties are made up largely of men and women who have by-passed the practical world with its emphasis upon material gain in favor of the more modest but no less demanding world of thought. They are people who like to teach, or they would not be doing it. They like to study, to do research and in some cases to write books that often times bring fame but seldom bring fortune. They are people with inquiring minds, minds that range, minds that

are free. They do not want and will not long tolerate the building of fences around their minds. These people value intellectual freedom above all else and once they become convinced that it is being denied them, they will move to places where this valued freedom will be assured them. Such a migration can only be disastrous to a university for Gresham's Law also operates in the academic world.

I object to this bill because of its air of condescension toward our students. It is only natural that they react with resentment to the pointed implication that they are completely lacking in any powers of discernment or discrimination. They see with more clarity than you might suspect the curious situation whereby this bill has been given support even from graduates of the University of North Carolina --- men and women who enjoyed the privilege of attending an unfettered university and who most certainly did not, in the process, become subversive themselves --- but who are somehow unwilling to extend that same privilege to today's students. Believe me when I say that the irony of this situation is not lost upon them.

But most of all, ladies and gentlemen, I object to this bill because, unwittingly or not, it strikes at the very heart of the University: at its basic mission --- its inescapable responsibility --- to seek the truth. If it is to discharge this responsibility with reasonable effectiveness, it is imperative that the University investigate every basic area of human knowledge. I need hardly remind you that only a free university can so function.

It is my personal opinion that the University of North Carolina has been a great institution not because it has been the richest institution in our region but because it has been the freest. Its traditional freedom grew out of the fact that it has been relatively well protected, as any true university inevitably must be, from the pressures of prevailing fads and from the rapidly-changing and often times capricious currents of public opinion. I believe that this protection has historically been provided by this Board of Trustees; and I further believe that this service stands as one of the most important ones that the Board has rendered.

Believing these things to be true, I urge you ladies and gentlemen to take whatever action you deem most appropriate to regain that which has been lost through this legislation and to restore to the University of North Carolina that enviable degree of freedom that has been its proud heritage in days past and which remains the indispensable condition for its continued preeminence.

We have presented these examples because we believe that they illustrate convincingly the seriousness of the problem that this law creates for the University. These have arisen in the short time since the law was passed. Already the exclusion, by law, of vital sources of knowledge from our University has begun. Yet, we have by no means felt the full impact of embarrassment and detriment that will ensue if something is not done, because our students and our faculties and the world of scholars whose respect is quite essential to our success have watched and withheld judgment until the Board of Trustees had the chance to act.

Harmful as the law is to our actual functioning as a university, and to our standing among institutions of higher learning, there is yet another difficulty more vague and possibly even more damaging in its ultimate effect. The adoption of a law that purports to remedy a supposed Communist influence upon our campuses has implanted in the minds of some citizens of our State the disturbing notion that such an influence actually exists and is deliberately defended.

It is well known that there is a North Carolina law against subversive activities. The statute, passed in 1941, makes it unlawful for any public building in the State or any building owned by any institution receiving funds from the State to be used by any person for the purpose of advocating, advising, or teaching a doctrine that the government of the United States, the State of North Carolina, or any political subdivision thereof should be overthrown by force, violence, or any other unlawful means. I trust that it is unnecessary for me to repeat that the University has faithfully respected this law. The University, as its president is sworn to do by his oath of office, abides by all the laws of this State and it has

faithfully respected this law of 1941 which is a reasonable safeguard against subversion of the government.

I spoke of the president's oath of office. Not only the president but also every member of the faculty and every person who is regularly employed by the University and who is a citizen of the United States is required, as a condition of appointment, to swear (or affirm) that he will support the Constitution of the United States and further swear (or affirm) that he will bear true allegiance to the State, and support, maintain, and defend its Constitution.

The University of North Carolina was established by the State nearly two centuries ago to prepare its youth for the responsibilities of citizenship and to insure for them a richer and more rewarding life. The University is proud and respectful of its heritage.

Our University with other universities the world over has an honored tradition of freedom of thought and expression that has endured for centuries. We are answerable to this essential standard of intellectual freedom.

Therefore, we who are entrusted with the administration of The University will not knowingly employ as a teacher or as a research investigator any person who, because of membership in the Communist Party or who because of any other commitment of mind, is not free to serve the university standard of unbiased search for truth.

In safeguarding intellectual freedom from destructive influences, either from within or from without, the University is naturally vigilant. It spares no means of

ordinary prudence or administrative arrangement to insure that it shall not be undermined. There is not to my knowledge - a knowledge reasonably informed according to deliberate, appropriate, responsible processes of administration - there is not to my knowledge any member of the Communist Party on the faculty of the University of North Carolina. If there be anyone here or elsewhere possessing contrary facts, I invite him to make them known.

To be sure there are individuals among the faculty and student body who hold and express unpopular or unorthodox views. They enjoy the same constitutional protections, including the right of due process, and the same guarantee of freedoms as all other citizens.

Mr. Chairman and ladies and gentlemen, we have no doubt that the authors of this legislation were motivated by considerations of duty, loyalty, and concern for the security of our State and nation. We do not doubt their abiding devotion to the cause of education, our colleges and universities. Such motives and such devotion we applaud. But we believe that no single consideration is fundamentally more important to the security of our nation - indeed to the survival of free society - than the preservation of free universities. We believe that nothing is more fundamentally necessary to the continued progress of our State than the vitality and soundness of its educational institutions.

We are fully aware that a state university is a creature of the state, that it receives its money from the public treasury, that its existence depends upon political considerations. We are aware also, however, that a peculiar virtue of the American system is that its state universities can be free and, indeed, that

they cannot render to the State the benefits for which they were created in the first place unless they are free to conduct fair and open discussion of all ideas.

As those who have been called for a time to be the guardians and trustees of an institution of such noble past and high purpose, we are humbled by the dimension of our responsibility. We stand in the train of a beneficent heritage and at a crisis in the undergirding tradition. Since 1789 when the destiny of the nascent University was entrusted by the General Assembly to the hands of forty leading citizens of the State with the injunction to fit the rising generation for "an honorable discharge of the social duties of life," successive generations have gone to the University to fit themselves for lives of individual fulfillment and social usefulness. The fruit of the conception and the continued willingness of the General Assembly to secure the trustees in their trust is a commonwealth that has been singularly blessed with enlightened servants of the public good, and a people's university that, despite vicissitudes of fate and fortune, has stood and yet stands among the most respected in the land. Such is the character of what our forbears and predecessors did. You - we - are called to do it now.

RESOLUTION

WHEREAS the 1963 North Carolina General Assembly enacted a statute "to regulate visiting speakers at State supported colleges and universities"; and

WHEREAS the statute violates an essential principle of university existence to which The University of North Carolina has adhered steadfastly for more than a century and a half; and

WHEREAS the faculties and officials throughout the entire University are uncompromisingly opposed to the statute; and

WHEREAS the statute is detrimental to the standing of The University among institutions of higher learning, and adversely affects its ability to retain and continue to attract faculty members of excellence; and

WHEREAS the responsibility and authority for educational policy-making should remain vested in the Board of Trustees:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Trustees of the consolidated University of North Carolina deplores this legislation as a departure from the tradition of our State.

2. The Chairman be directed to appoint a special committee of fifteen members of the Board of Trustees to determine and implement measures to remove this legislative impairment of intellectual freedom and preemption of the authority and prerogatives of the Board of Trustees.

(Approved by the Board of Trustees, October 28, 1963)

